

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

AMDP751US

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on September 30, 2009

Signature /Christine Gillroy/

Typed or printed name Christine Gillroy

Application Number

10/791,557

Filed

March 2, 2004

First Named Inventor

Marufa Kaniz

Art Unit

2434

Examiner

Jason Kai Yin Gee

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

/Thomas G. Eschweiler/

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

Signature

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Typed or printed name

☒ attorney or agent of record.
Registration number 36,981

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☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

September 30, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re **PATENT** application of:

Applicant: Marufa Kaniz

Application No.: 10/791,557

Filing Date: March 2, 2004

Title: TWO PARALLEL ENGINES FOR HIGH SPEED TRANSMIT IPSEC
PROCESSING

Examiner: Jason Kai Yin Gee

Art Unit: 2434

PRE-APPEAL REQUEST FOR REVIEW IN RESPONSE TO ADVISORY ACTION
DATED SEPTEMBER 18, 2009

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Favorable reconsideration of the above-identified application is respectfully
requested in view of the following remarks.

REMARKS

Claims 1-5, 7-10, and 20-21 are pending. Reconsideration of the application is respectfully requested for at least the following reasons.

I. REJECTION OF CLAIMS 1-5, 8, 9, AND 20 UNDER § 103(a)

Claims 1-5, 8, 9, and 20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2004/0062267 (Minami et al.) in view of U.S. Patent Publication No. 2001/0014936 (Jinzaki). Withdrawal of the rejection is respectfully requested for at least the following reason.

- i. Neither Minami nor Jinzaki teach or suggest a transmit output data flow controller configured to control the flow of encrypted data from a first and a second processor to a memory system in the same location as the order in which the data was read from the memory system, as recited in claim 1.***

Claim 1 relates to a network interface system for interfacing a host system with a network, comprising a transmit output data flow controller configured to control the flow of encryption data from first and second processors to the memory system in the same location as the order in which the data was read from the memory system. In other words, **data is written to a memory location based upon the order in which data was read from the memory system**. The Office Action states that writing data to a memory location based upon the order in which data was read from the memory system is taught by Minami et al. (See, O.A., 6/30/09, item 6). Further, the Advisory Action asserts that Minami et al. teach that the "packet presented should be in the same order as they were presented to the encryption engine." (See, O.A., 9/18/09, item 11). It is respectfully submitted that Minami et al. is being mistakenly mischaracterized, and that upon a full understanding of the reference, it will be evident that the reference does not teach the above feature.

More particularly, Minami et al. teach a security system comprising two parallel and identical encryption engines. (See, par. [1746]). Packets are transferred from a memory to the security system, where the encryption engines are “serviced in alternating order”. (See, par. [1746]). Once serviced, the encrypted packet is written back **to the same memory location that the source packet came from**. (See, par. [1745]). Therefore, as taught by Minami, after encryption, packets are written to a memory **location based upon the location from which they were read**. In contrast, claim 1 relates to a transmit output data flow controller configured to write data, after encryption, to a memory location **based upon the order in which the data was read**. For example, in one non-limiting example, the transmit output data flow controller will write data that is encrypted first to a first memory location, while data that is encrypted second is written to a second memory location.

The statement in the Advisory Action that the phrase “the packet presented should be in the same order as they were presented to the encryption engine” teaches the “order” distinction highlighted above in applicant’s claim is incorrect. The ordering highlighted in Minami et al. refers to the ordering of packets as managed by an IPSECTX module. The IPSECTX module simply ensures that after data is encrypted, the encrypted data packets are “presented” for transmission to a network in the same order that they were presented to the encryption engine. ***This presentation of data to a network by the IPSECTX module says absolutely nothing about the ordering of data within the memory itself, either before or after encryption.*** That is, the above description of Minami et al. does not require that encrypted data be written to a memory at a location therein based on the order in which it was read prior to encryption. As is well known by those of ordinary skill in the art, data location management or flow control may be performed with address identifiers that allow items to be presented to encryption engines and to a network in an order that is completely independent of the location or order of the data in the memory. Minami et al. is silent regarding writing data to a memory after encryption. Therefore the cited reference does not explicitly teach the

claim feature, and such feature is not inherent therein. Therefore claim 1 is non-obvious over the combination of cited prior art.

Accordingly, since the cited art fails to teach a transmit output data flow controller configured to write data to a memory location ***based upon the order in which the data was read***, Minami et al. in view of Jinzaki fail to teach over the transmit output data flow controller recited in claim 1. Withdrawal of the rejection is therefore respectfully requested.

Claims 2-5, 7-10 and 19-21 depend upon claim 1 and add further limitations thereto. Because claim 1 is nonobvious over the cited art, claims 2-5, 7-10 and 19-21 are also believed nonobvious. Accordingly, withdrawal of the rejection is respectfully requested.

II. CONCLUSION

For at least the above reasons, the claims currently under consideration are believed to be in condition for allowance.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 50-1733, AMDP751US.

Respectfully submitted,
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